

SENATE BILL 1941  
By Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 71, relative to child care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-3-503(a), is amended by deleting subdivisions (8) and (9) in their entireties, by substituting instead the following new language and by re-designating the remaining subdivisions accordingly:

(8) Recreational programs or facilities, public or private camps, organizations representing disabled children, and other similar businesses or programs as determined by the department, the primary purpose of which is to provide physical education activities, art or craft activities, religious activities and other similar activities as determined by the department for a substantial portion of the day, and which: (A) are operated, or are primarily supported, by a public school system;

(B) provide programs that may include services to children who are under five (5) years of age, not in kindergarten, and that operate fewer than a total of ninety (90) days per calendar year; or

(C) exclusively provide services to children five (5) years of age, in kindergarten, and older and that operate fewer than a total of one hundred twenty (120) days per calendar year.

SECTION 2. Tennessee Code Annotated, Section 71-3-503(a)(11)(C), is amended by deleting the language “(a)(11)(A) and (a)(11)(B)” and by substituting instead the language “(a)(10)(A) and (a)(10)(B)”.

SECTION 3. Tennessee Code Annotated, Section 71-3-503(b), is amended by deleting subdivision (1) in its entirety and by substituting instead the following new language:

(1) Exempt programs under subdivisions (a)(4), (a)(7), and (a)(9) shall:

(A) Post a sign in a conspicuous manner, easily viewable by the public, stating: “This facility [or program or activity] is not required to be licensed by the State of Tennessee as a child care agency”.

(B) An information sheet supplied by the department listing key differences between regulated and unregulated services.

SECTION 4. Tennessee Code Annotated, Section 71-3-503(b)(2), is amended by deleting the language “(a)(10)” and by substituting instead the language “(a)(9)”.

SECTION 5. Tennessee Code Annotated, Section 71-3-507(a)(1), is amended by deleting paragraph (A) in its entirety and by substituting instead the following new language:

(A)(i) Applying to work with children:

(a) as a paid employee, director, or manager with a child care agency as defined in § 71-3-501, or

(b) with a child care home serving less than five (5) children that is registered with the department pursuant to the provisions of chapter 1240-4-12 of the rules of the department of human services regulating the registration of family day care homes, or

(c) who applies to work with the department in any position in which any significant contact with children is likely in the course of the person's employment with the department; or

(d) who applies for any license, approval, or certificate of registration under chapter 1240-4-12, that is not the renewal of an existing license, approval, or certificate of registration under chapter 1240-4-12, or

(e) who otherwise seeks to operate (an "operator" as defined by the rules of the department), a child care agency as defined in § 71-3-501, who has significant contact with children in the course of such role or roles and who is not otherwise exempted from the application of this section by rules of the department; or

(f) who seeks to operate a registered family day care home serving less than five (5) children as defined by chapter 1240-4-12 of the rules of the department of human services regulating the registration of family day care homes;

SECTION 6. Tennessee Code Annotated, Section 71-3-507(a)(1), is amended by adding the following new paragraph:

(D) Unless the language of this section indicates a contrary intent, or where otherwise indicated from the context of the language, all other provisions of this section shall apply to a registered family day care home serving less than five (5) children as defined by chapter 1240-4-12 of the rules of the department of human services regulating the registration of family day care homes; provided, however, that such registered homes shall be responsible for the payment of all costs associated with:

(i) obtaining and processing any fingerprints samples; and

(ii) processing criminal history background checks  
for persons providing care, living in, or otherwise having significant contact  
with children, in a registered family day home as defined under chapter 1240-  
4-12.

SECTION 7. Tennessee Code Annotated, Section 71-3-507(b)(5)(A), is amended by deleting the language “requested by the agency” and by substituting instead the language “requested by the child care agency”.

SECTION 8. Sections 1 and 2 of this act shall take effect upon this act becoming a law, the public welfare requiring it; and Sections 3-7 of this act shall take effect on July 1, 2003, the public welfare requiring it.